

REMARKS

Applicant first wishes to thank the Examiner for the time and attention given to this application and in finding allowable subject-matter, e.g., Claims 7-9, 11, 19-21, and 23. Applicant also thanks the Examiner for granting a telephone interview on August 13, 2009, and the helpful comments offered during the interview.

Claims 1-3, 5, 7-9, 11, 13-15, 17, 19-21, 23, 26-29, 31, 33-35, 37, and 40-50 are pending in the present application. Claims 4, 6, 10, 12, 16, 18, 22, 24, 25, 30, 32, 36, 38, and 39 were previously canceled without prejudice. Claim 1 is currently amended, and Claims 41-50 are new. No new matter has been added, and no new issues are raised.

I. Examiner Interview of August 13, 2009

On August 13, 2009, an Examiner Interview was conducted via telephone. The invention and the rejection to the claims were discussed, and no final agreement was reached. Also, Applicant incorporates by reference the Examiner's Interview Summary, mailed August 24, 2009, which accurately summarizes the substance of the interview. For the avoidance of any doubt, Examiner's Interview Summary confirms that Claim 13 had been *rejected* by the Office Action.

II. Allowable Subject-Matter: New Claims 42-45 and 47-50

At page 13 of the Office Action, the Examiner designates Claims 7-9, 11, 19-21, and 23 as being allowable if rewritten in independent form to recite all features of the respective base claims.

Applicant has added new Claim 42, which includes all previously-recited features of independent Claim 1 and dependent Claim 7, and dependent Claims 43-45, which parallel the language of dependent Claims 8, 9, and 11. Also, in view of the Examiner's § 101 comments at Page 2 of the Office Action, Claim 42 recites "at least one computer" in connection with certain steps.

Also, Applicant has added new Claim 47, which includes all previously-recited features of independent Claim 13 and dependent Claim 19, and dependent Claims 48-50, which parallel the language of dependent Claims 20, 21, and 23.

Applicant respectfully requests allowance of new Claims 42-45 and 47-50.

III. § 101 Rejections to Claims 1-3, 5, 7-9, and 11

Claims 1-3, 5, 7-9, and 11 are rejected under 35 U.S.C. § 101 as allegedly failing to not fall within one of the four statutory categories of invention. Claim 1 has been amended to expressly recite that the recited feature of Claim 1 involve the use of a relationship management module, and Applicant notes that Claims 2, 3, 5, 7-9 and 11 are dependent from Claim 1. One exemplary relationship management module is depicted in Figure 4 and described in the related sections of the Specification of the instant application. Applicant respectfully requests withdrawal of the § 101 rejection to Claims 1-3, 5, 7-9 and 11.

IV. § 103 Rejections to Claims 1-3, 5, 13-15, 17, 26-29, 31, 33-35, 37 and 40

A. Rejection to Claim 1 over See in view of Gray

Claim 1 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0021283 (“See”) in view of U.S. Patent No. 7,330,832 (“Gray”). For at least the following three reasons, Applicant respectfully submits that Claim 1 is patentable over See in view of Gray and respectfully requests withdrawal of the § 103 rejection to Claim 1.

First, Applicant respectfully submits that See and Gray, alone and/or in combination, fail to disclose or suggest all features expressly recited by Claim 1. More specifically, Applicant respectfully submits that neither See nor Gray disclose or suggest the recited feature of Claim 1 of “associating...service abstractions with the identity of the authenticated user of the communications network[.]” Regarding See, Applicant agrees with the Examiner’s statement at page 4 of the Office Action that See “fails to describe[] associating one or more of the service abstractions with the identity of the authenticated user of the communication network[.]” However, at least for the reasons discussed below, Applicant respectfully disagrees with any suggestion by the Examiner that Gray discloses such feature.

Gray discloses a method for service allocation among a plurality of “entities” requiring service allocation in a communications or computing environment. A method is disclosed including the steps of initializing a supply of services of one or more holding entities, endowing one or more bidding entities with an adjustably fixed amount of utility and a requirement for an amount of the supply of services, wherein the fixed amount of utility is a measure representative of the possibility of failure due to lack of resources, negotiating the supply of services of the holding entities, with each bidding entity bidding a selected amount of its fixed amount of utility, and redistribution of the supply of the holding entities among the bidding entities based on the negotiating. (Gray, Abstract).

The invention recited by Claim 1 associates service abstraction(s) with an identity of an authenticated user of the communications network. A “user” is a concept distinct from a “device” --- a user might engage a network at any one of multiple points. In contrast, Gray discloses performance of a method keyed into a particular “entity,” where the entity might be “a physical device, a program or application or a higher level abstraction thereof embodied in physical devices or applications operating in an intelligent manner such as an agent.” (Gray, C. 5, L. 59-63). Accordingly, Gray fails to disclose or suggest the recited Claim 1 feature of “associating...with the identity of the authenticated user of the communications network[.]”

On this point, Applicant has carefully considered the Examiner’s discussion on page 4 of the Office Action concerning “function group 12.” The Examiner cites Gray, C. 9, L. 52-57, for the proposition that Gray discloses “associating...service abstractions, with the identity of the authenticated user of the communications network[.]” However, Gray fails to disclose both of the following (1) “associating...with the identity of the authenticated user,” as well as (2) “associating...with the identity of the authenticated user of the communications network.” It is clear that Gray deals with physical devices, i.e., “entities,” rather than identities of the person attempting to use the network, regardless of the physical device such person has chosen to use to engage the network. For at least this reason, Applicant respectfully requests withdrawal of the § 103 rejection to Claim 1.

Second, on additional grounds, Applicant again respectfully submits that See and Gray, alone and/or in combination, fail to disclose or suggest all features expressly recited by Claim 1.

More specifically, Applicant respectfully submits that neither See nor Gray disclose or suggest the additionally recited feature of Claim 1 of “in response to receipt of a packet at any of the network devices from the authenticated user...using the service abstractions associated with the identity of the authenticated user to control usage of network resources on the communication network[.]”

Regarding See, the Applicant agrees with the Examiner’s statement at page 4 of the Office Action that See fails to disclose “in response to receipt of a packet at any of the network devices from the authenticated user...using the service abstractions associated with the identity of the authenticated user to control usage of network resources on the communication network[.]”

Regarding Gray, Applicant respectfully submits that Gray does not disclose the cause-effect relationship recited by this feature of Claim 1. Rather, Gray discloses that each device, i.e., each “entity,” has a quantity of “utility” and that each device expends its quantity of utility in an effort to outbid competing entities to secure access to a network resource. For example, Gray states the following:

The mechanism of the present invention is based on the principle of taking resources away from agents that pay less than the bidding agent is willing to bid. This has numerous benefits. First, it makes any amount of resource available to an agent if it has enough importance. Second, it removes resources from less important agents allowing, the system to adapt to the overall needs of the enterprise. Third, it encourages efficient use of resources since an agent must gain enough utility to pay for its resource. Therefore agents have an incentive not to squander utility on unneeded resources. (Gray, C. 13, L. 7-16) (emphasis added).

However, as recited by Claim 1, action occurs “in response to receipt of a packet at any of the network devices from the authenticated user” and the “control of usage of the network” is based on “the service abstractions associated with the identity of the authenticated user[.]” Gray discloses a control that is based on competitive bidding and fails to disclose a control that is keyed into the identity of an authenticated user. For at least this additional reason, Applicant respectfully requests withdrawal of the § 103 rejection to Claim 1.

Third, on additional grounds, Applicant respectfully submits that one skilled in the art would not modify the teachings of See with those of Gray to arrive at the invention recited by Claim 1. See is directed to a distributed network management system that manages based on a device or element, not based on a user. Gray, too, discloses device-based management. Applicant acknowledges the general aspiration of Gray to achieve an “efficient use of resources,” which the Examiner cites at page 5 of the Office Action. Notwithstanding, Applicant respectfully submits that, in view of such mere aspirations, one skilled in the art would not modify See in view of Gray to arrive at the recited invention of Claim 1, let alone the two foregoing, undisclosed features. For at least this additional reason, Applicant respectfully requests withdrawal of the § 103 rejection to Claim 1.

B. Rejection to Dependent Claims 2, 3, and 5 over See in view of Gray

Claims 2, 3, and 5 are dependent from Claim 1, which, at least for the reasons discussed in Section IV(A) above, Applicant respectfully submits is patentable. Thus, Applicant respectfully submits that Claims 2, 3, and 5 are patentable at least by virtue of being dependent from a patentable independent claim. For at least these reasons, Applicant respectfully requests withdrawal of the § 103 rejection to Claims 2, 3, and 5.

C. Rejection to Claim 13 over See in view of Gray

Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over See in view of Gray. Applicant respectfully submits that Claim 13 is patentable at least for the reasons stated in Section IV(A) above. More specifically, Applicant respectfully submits the following:

- (i) Neither See nor Gray, alone and/or in combination, disclose or suggest the Claim 13 feature of “a...module enabling the network manager to associate users of the communications network with one or more of the service abstractions[;]”
- (ii) Neither See nor Gray, alone and/or in combination, disclose or suggest the Claim 13 feature of “a service editing module...each service abstraction representing a communications network service to be provided to users of the communications network[;]” and
- (iii) One of ordinary skill in the art would not modify the teachings of See with the teachings of Gray to arrive at the invention recited by Claim 13.

For at least this reason, Applicant respectfully requests withdrawal of the § 103 rejection to Claim 13.

D. Rejection to Dependent Claims 14, 15, and 17 over See in view of Gray

Claims 14, 15, and 17 are dependent from Claim 13, which, at least for the reasons discussed in Section IV(C) above, Applicant respectfully submits is patentable. Thus, Applicant respectfully submits that Claims 14, 15, and 17 are patentable at least by virtue of being dependent from a patentable independent claim. For at least these reasons, Applicant respectfully requests withdrawal of the § 103 rejection to Claims 14, 15, and 17.

E. Rejection to Claim 26 over See in view of Gray

Claim 26 is rejected under 35 U.S.C. § 103(a) as being unpatentable over See in view of Gray. Applicant respectfully submits that Claim 26 is patentable at least for the reasons stated in Section IV(A) above with respect to Claim 1. For at least this reason, Applicant respectfully requests withdrawal of the § 103 rejection to Claim 26.

F. Rejection to Claim 33 over See in view of Gray

Claim 33 is rejected under 35 U.S.C. § 103(a) as being unpatentable over See in view of Gray. Applicant respectfully submits that Claim 33 is patentable at least for the reasons stated in Section IV(A) above. More specifically, Applicant respectfully submits the following:

(i) Neither See nor Gray, alone and/or in combination, disclose or suggest the Claim 33 feature of “a role editing module to create, in response to a user, one or more role abstractions associated with an authenticated user[.]”

(ii) Neither See nor Gray, alone and/or in combination, disclose or suggest the Claim 33 feature of “each role abstraction representing a role of an authenticated user with respect to the communications network for controlling usage of the network resources on the communications network by the authenticated user[.]” and

(iii) One of ordinary skill in the art would not modify the teachings of See with the teachings of Gray to arrive at the invention recited by Claim 33.

For at least these reasons, Applicant respectfully requests withdrawal of the § 103 rejection to Claim 33.

G. Rejection to Dependent Claims 34, 35, and 37 over See in view of Gray

Claims 34, 35, and 37 are dependent from Claim 33, which, at least for the reasons discussed in Section IV(F) above, Applicant respectfully submits is patentable. Thus, Applicant respectfully submits that Claims 34, 35, and 37 are patentable at least by virtue of being dependent from a patentable independent claim. For at least this reason, Applicant respectfully requests withdrawal of the § 103 rejection to Claims 34, 35, and 37.

H. Rejection to Claims 27-29 and 31 over See in view of Gray

Claims 27-29 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over See in view of Gray. Applicant respectfully submits that Claims 27-29 and 31 are patentable at least for the reasons stated in Section IV(F) above with respect to Claim 33. For at least these reasons, Applicant respectfully requests withdrawal of the § 103 rejection to Claims 27-29 and 31.

V. New Claims 41 and 46

New Claim 41 is dependent from independent Claim 1, and Applicant respectfully submits that Claim 1 is patentable at least for the reasons stated above in Section IV(A).

New Claim 46 is dependent from independent Claim 42, and Applicant respectfully submits that Claim 46 is patentable at least for the reasons stated above in Section II.

Applicant respectfully submits that new Claims 41 and 46 are patentable at least by virtue of each being dependent from patentable independent Claims 1 and 42, respectively. For at least these reasons, Applicant respectfully requests allowance of new Claims 41 and 46.

VI. Conclusion

In view of the above amendment and remarks, Applicant respectfully submits that all pending Claims are in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If, however, the Examiner considers that obstacles to allowance of these claims persist, we invite a telephone call to Applicant's representative.

The Examiner is authorized to charge any fees, including extra claim fees and extension of time fees, for example, charge any deficiency, and/or credit any overpayment to Deposit Account No. 50-4876.

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Respectfully submitted,

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